

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Red Hat, Inc.,

Plaintiff,

v.

Bedrock Computer Technologies LLC,

Defendant.

C.A. No. 6:09-CV-549-LED

JURY TRIAL DEMANDED

**DOCKET CONTROL ORDER**

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

<b>Date</b>	<b>Event</b>
October 11, 2011	9:00 a.m. JURY TRIAL
October 3, 2011	9:00 a.m. JURY SELECTION
September 22, 2011	9:00 a.m. PRETRIAL CONFERENCE
September 20, 2011	Parties to file estimates of the amount of time they request at jury selection and trial for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
September 16, 2011	Responses to Motions in Limine due.
September 12, 2011	Motions in Limine due.
September 12, 2011	Pretrial Objections due.
September 6, 2011	Objections to Rebuttal Deposition Testimony due.
August 30, 2011	Response to Dispositive Motions (including Daubert motions) due.
August 26, 2011	Rebuttal Designations and Objections to Deposition Testimony due.
August 17, 2011	Pretrial Disclosures due.
August 5, 2011	Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions) due.
August 4, 2011	Parties to Identify Rebuttal Trial Witnesses.
July 29, 2011	Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials due.
July 21, 2011	Second mediation to be completed.
July 25, 2011	Parties to Identify Trial Witnesses; Amend Pleadings
July 8, 2011	Discovery Deadline.

Date	Event
June 15, 2010	Parties designate rebuttal expert witnesses (non-construction issues), Rebuttal expert witness reports due.
May 25, 2010	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due.
November 1, 2010	Comply with P.R.3-7 - Furnishing documents and privilege logs pertaining to willful infringement.
October 7, 2010	<i>Markman</i> hearing and hearing on any Motion for Summary Judgment of Indefiniteness.
September 30, 2010	P.R. 4-5(d) Chart due.  Reply to Motion for Summary Judgment of Indefiniteness due.
September 24, 2010	Parties to file a notice with the Court stating the estimated amount of time requested for the <i>Markman</i> Hearing.  Comply with P.R. 4-5(c).  Response to Motion for Summary Judgment of Indefiniteness due.
September 10, 2010	Comply with P.R. 4-5(b).  Motion for Summary Judgment of Indefiniteness due.
August 27, 2010	Comply with P.R. 4-5(a).
August 25, 2010	Tutorials due.
August 19, 2010	Discovery Deadline - Claim Construction Issues.
August 5, 2010	Respond to Amended Pleadings.
July 29, 2010	Proposed Technical Advisors due.
July 22, 2010	Amended Pleadings (pre-claim construction) due from all parties without leave of court. No new patents or parties may be added.
July 19, 2010	Comply with P.R. 4-3 (JCCS).
June 19, 2010	Complete First Mediation
June 18, 2010	Comply with P.R. 4-2 - Exchange of Preliminary Claim Constructions and Extrinsic Evidence. Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
May 18, 2010	Comply with P.R. 4-1.
May 14, 2010	Comply with P.R. 3-3 and 3-4
March 26, 2010	Amendment of pleadings to correct party names or add parties without leave of court.
March 5, 2010	Comply with P.R. 3-1 and 3-2
15 hours per side	Expected Length of Trial

**ORDER REGARDING EXHIBITS, EXHIBIT LISTS AND WITNESS LISTS:**

- A. On the first day of trial, each party is required to have on hand the following:
- (1) One copy of their respective original exhibits. Each exhibit shall be properly labeled with the following information: Identified as either Plaintiff's or Defendant's Exhibit, the Exhibit Number and the Case Number. In addition, exhibits shall be placed in properly marked manilla folders and contained in a box with handles.
  - (2) Three (3) hard copies of their exhibit list and witness list. The Court's preferred format for Exhibit Lists is available on the Court's website at [www.txed.uscourts.gov](http://www.txed.uscourts.gov) under "Orders & Forms."
- B. During trial on a daily basis, each party shall tender to the Court a list of exhibits admitted for each day. A description of the exhibits is not necessary, just a list containing the exhibit numbers. For example, Plaintiff will submit a document entitled, "Plaintiff's List of Exhibits Admitted on (*the date*)."
- C. At the conclusion of the evidentiary phase of trial, each party shall be responsible for pulling those exhibits admitted at trial and tender those to the Courtroom Deputy, who will verify the exhibits and tender them to the jury for their deliberations.
- D. At the conclusion of trial, all boxes of exhibits shall be returned to the respective parties and the parties are instructed to remove these exhibits from the courtroom.
- E. Within five business days of the conclusion of trial, each party shall submit to the Court (to Chambers) the following:
- (1) A Final Exhibit List of Exhibits Admitted During Trial, and in addition provide the Court a disk containing this document in WordPerfect or Word format.
  - (2) A disk or disks containing their respective admitted trial exhibits in PDF format, with the exception of sealed exhibits. If the Court ordered any exhibits sealed during trial, the Sealed Exhibits shall be copied on a separate disk. If tangible or over-sized exhibits were admitted, such exhibits shall be substituted with a photograph to be converted to a PDF file and shall be included in the Court's disk of admitted exhibits.
  - (3) A disk or disks containing the transcripts of Video Depositions played during trial, along with a copy of the actual video deposition.
- F. After verification of final exhibit lists, the Courtroom Deputy shall file and docket the lists, and the disk or disks containing the exhibits in PDF format shall be stored in the Clerk's Office.

**So ORDERED and SIGNED this 13th day of April, 2010.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**